

May 10, 2011

Wendy R. Fleishman
Partner
wfleishman@lchb.com

VIA ECF AND FACSIMILE

Honorable Madeline Cox Arleo, U.S.M.J.
United States District Court
M. L. King Jr. Federal Building and Courthouse
50 Walnut Street
Newark, New Jersey 07102

RE: *In Re: Zimmer Durom Hip Cup Products Liability Litigation*
Master Docket No. 09-4414(SDW)(MCA)
MDL No. 2158

Dear Judge Arleo:

This letter is meant to advise Your Honor on the status of the parties' meet and confer discussions regarding the Plaintiff Fact Sheet ("PFS") and the Defendant Fact Sheet ("DFS") in this litigation. The parties met and conferred by telephone yesterday and today to discuss the content of both the PFS and the DFS, and the results of these negotiations are as follows:

First, the parties have reached an agreement with respect to the contents of the PFS. A draft joint proposed PFS is attached to this letter, and the parties respectfully request that Your Honor review and approve the same for use in this MDL.

Second, while the parties also met and conferred on the DFS and have made significant progress, we have been unable to reach agreement thus far on one significant issue – whether or not Zimmer will produce case-specific documents within the context of the DFS, or whether requests for production of documents should be served separately.

Due to this disagreement and the unavailability of Zimmer's in-house counsel this week, the parties agreed today – provided Your Honor approves it – to postpone further meet and confer efforts on this issue for two weeks, and to attempt to resolve this particular issue without seeking the assistance of the Court. To help in this process, plaintiffs have submitted to Zimmer, and will submit additional revised drafts of their requests for case-specific documents, and the parties will reconvene soon to discuss whether Zimmer's objections can be resolved without the Court's intervention.

Honorable Madeline Cox Arleo, U.S.M.J.

May 10, 2011

Page 2

In light of the above, the parties jointly and respectfully request at this time that Your Honor approve the PFS, and permit the parties until **May 24, 2011** to report back to Your Honor on the results of further anticipated meet and confer efforts pertaining to the content of the DFS.

We greatly appreciate the Court's continued patience and participation.

A handwritten signature in black ink, appearing to read "Wendy R. Fleishman".

Wendy R. Fleishman, Esq.

cc: All Counsel (via email)

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